IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

ERIN WILSON, individually and on behalf of others similarly situated, *Plaintiff*, v. COOKUNITY LLC, *Defendant*.	Case No. 1:25-cv-03237-TRJ

DECLARATION OF ARMEN MOSKVITIN IN SUPPORT OF DEFENDANT'S MOTION TO COMPEL ARBITRATION AND TO STAY THE LITIGATION

Armen Moskvitin declares under the penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am the Senior Director of CRM & Lifecycle Marketing for Defendant CookUnity Inc. (incorrectly identified herein as CookUnity LLC) ("CookUnity"), and as such I am familiar with the facts and circumstances set forth herein. I submit this Declaration in support of Defendant's Motion to Compel Arbitration and to Stay the Litigation.

2. CookUnity is an innovative chef-to-consumer food delivery service.

3. As part of CookUnity's marketing efforts, CookUnity sends text and SMS messages to individuals who provide prior express written consent to receive such messages through CookUnity's website.

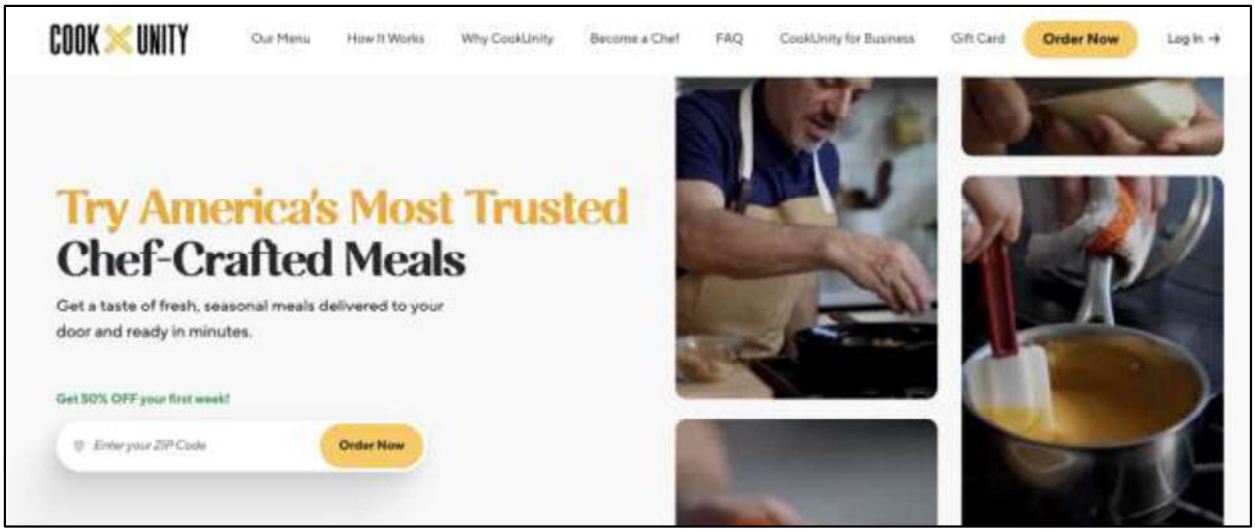
4. CookUnity does not send text or SMS messages to any phone number unless it receives an individual's consent and phone number through its website.

5. CookUnity does not purchase any "leads" from any sources. All of its "leads" are people who visit the CookUnity website and provide their information and consent to be contacted.

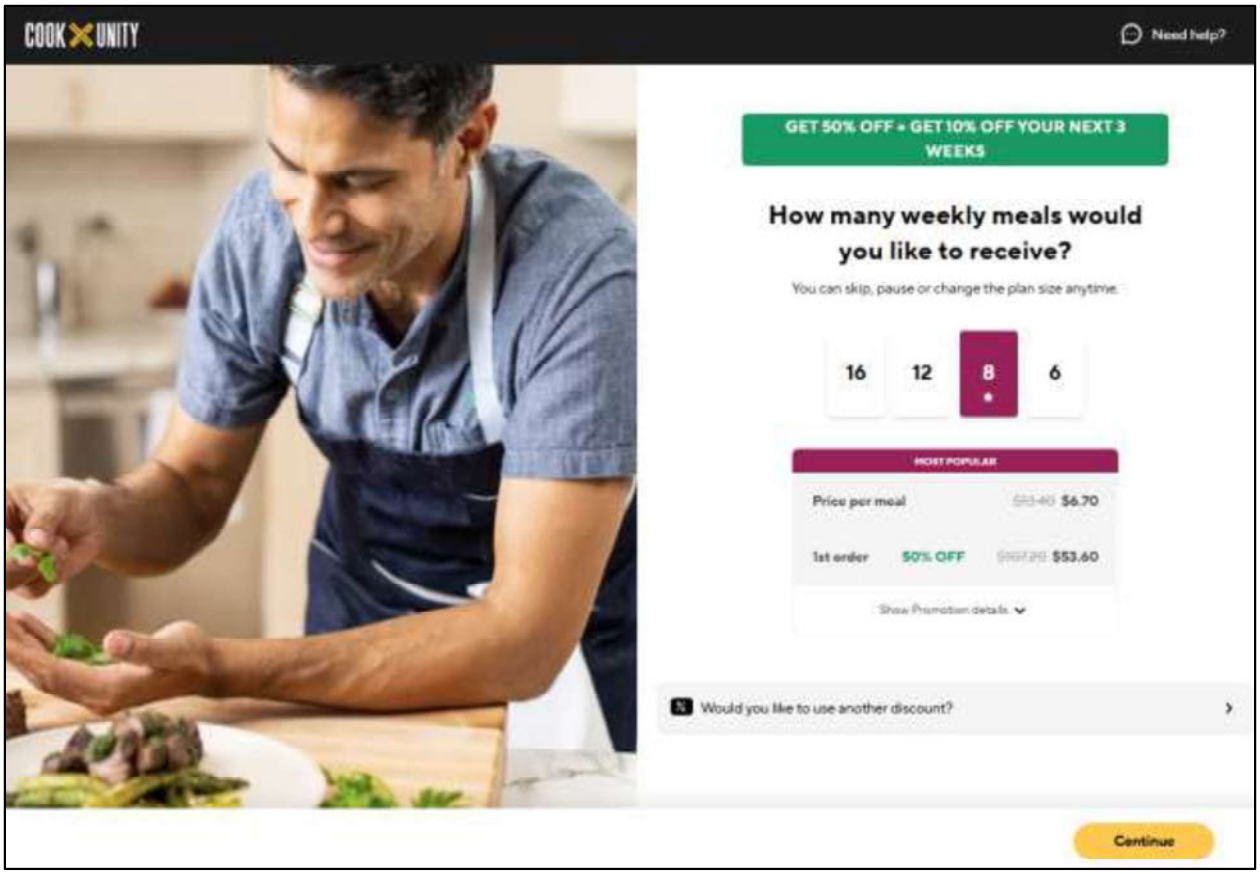
6. CookUnity maintains an internal Do Not Call ("DNC") list.

7. Individuals who wish to receive text messages from CookUnity or purchase a CookUnity subscription may do through CookUnity's website, CookUnity.com.

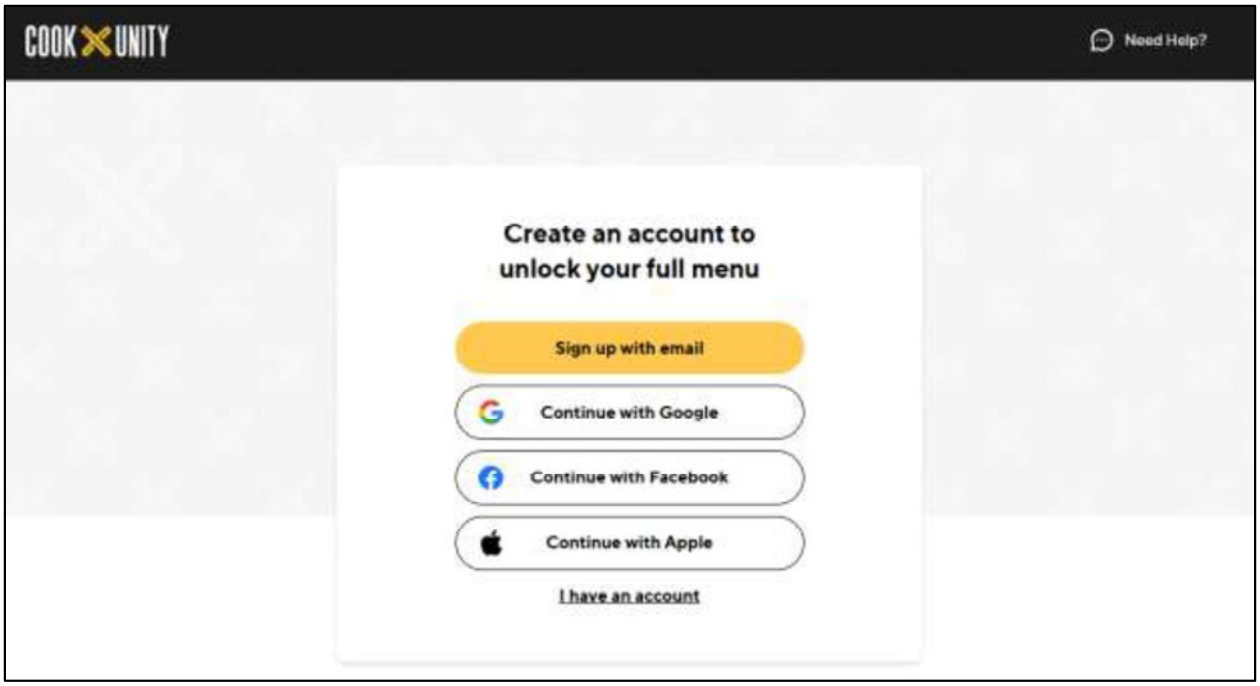
8. The sign-up process on the CookUnity website begins on a landing page, where visitors are prompted to enter their zip code, as depicted below.



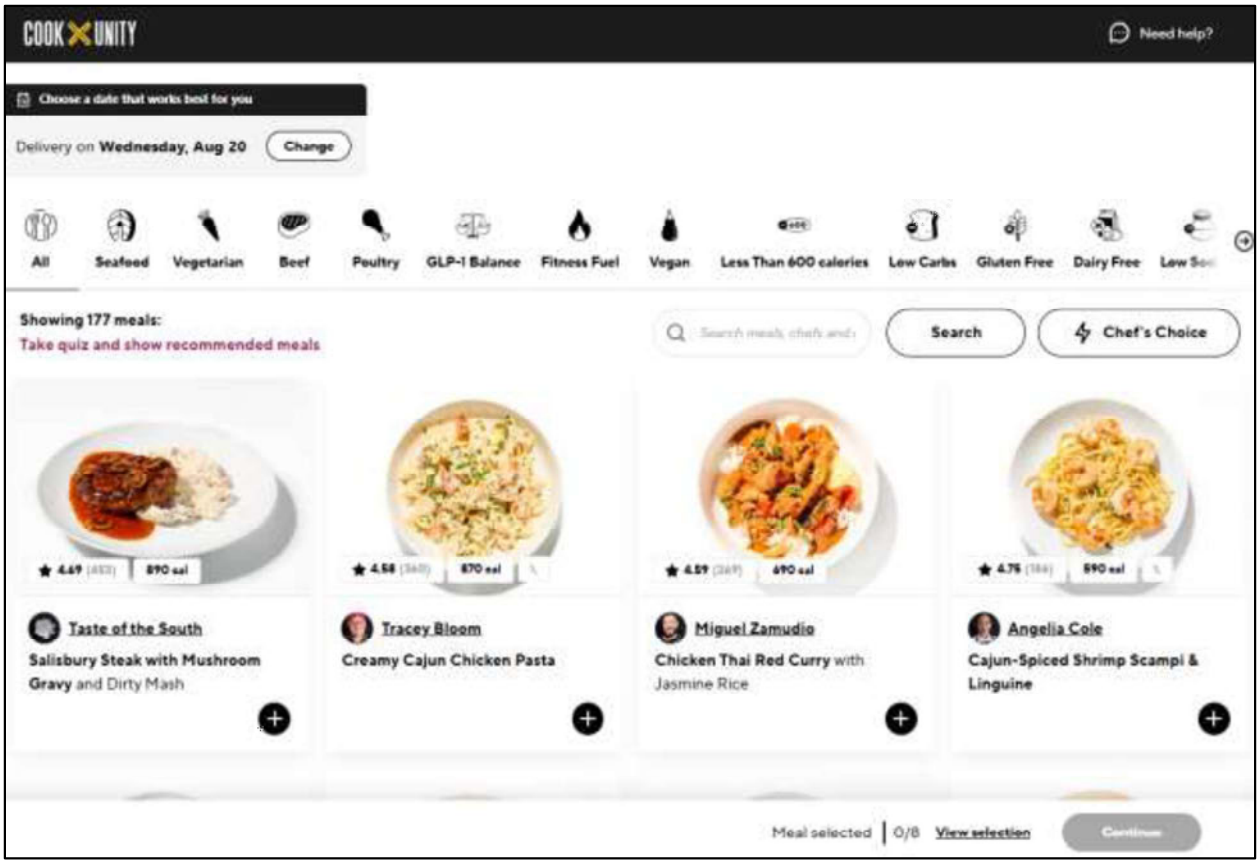
9. Once a visitor to CookUnity.com enters their zip code, they are prompted to enter the number of weekly meals they would like to receive.



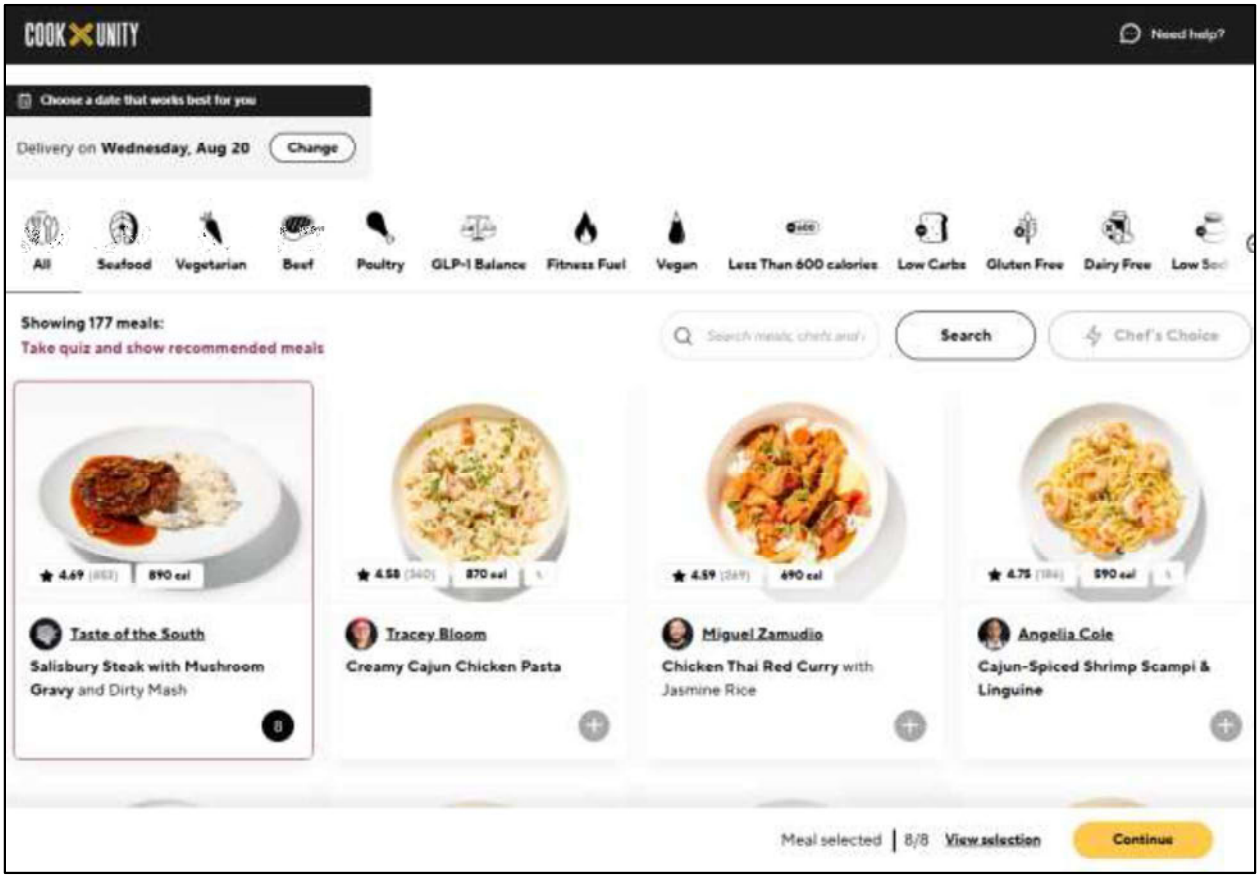
10. The visitor will next be prompted to create an account or proceed through an existing account with CookUnity, Google, Facebook, or Apple.



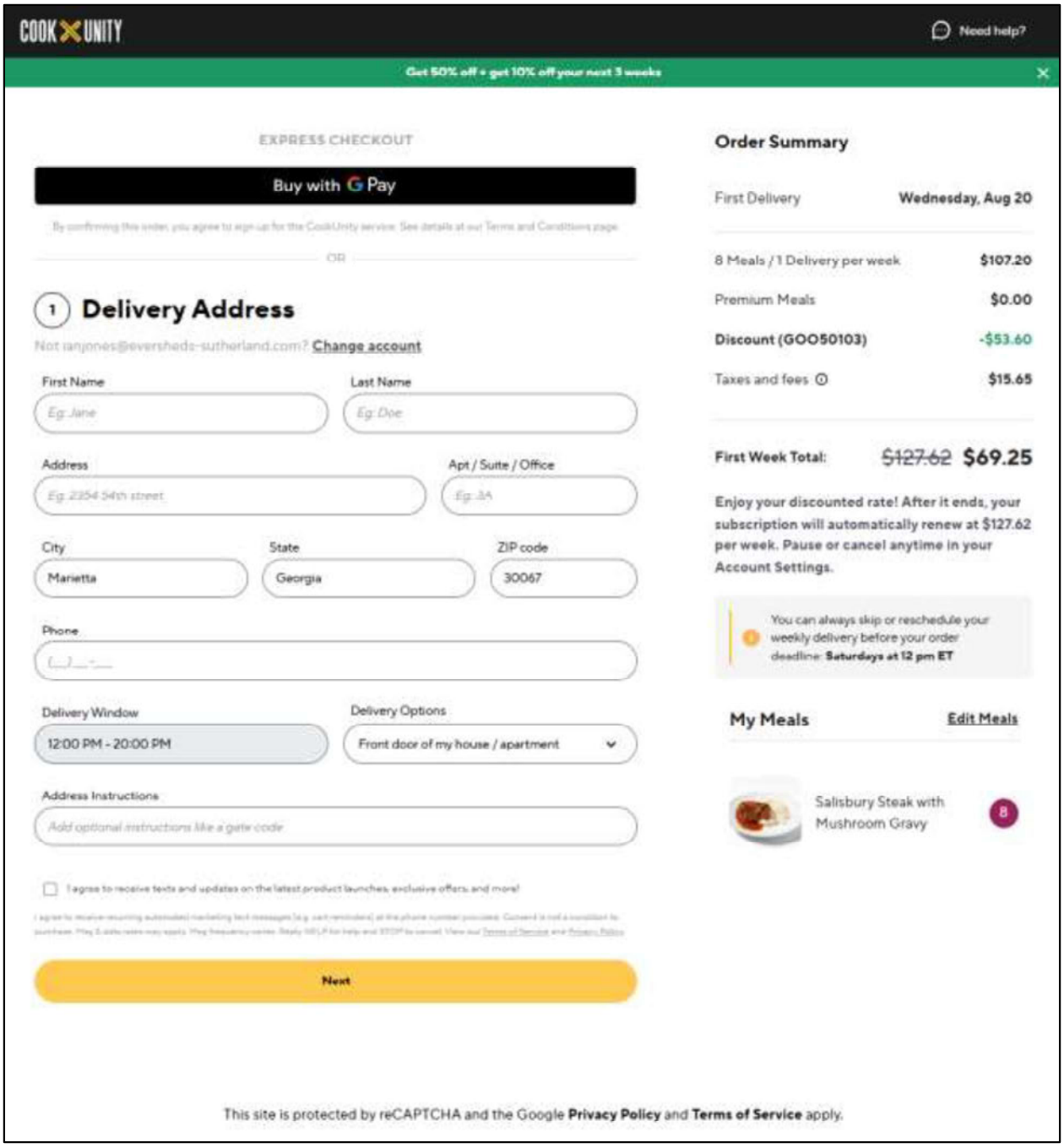
11. After either logging in or creating an account with an email and password, the visitor is prompted to select their first week's meals.



12. Only once the visitor selects the first week's meals can they continue to the next phase on the CookUnity website.



13. Once a visitor selects their meals, they are prompted to input their delivery address, contact information, and delivery window.

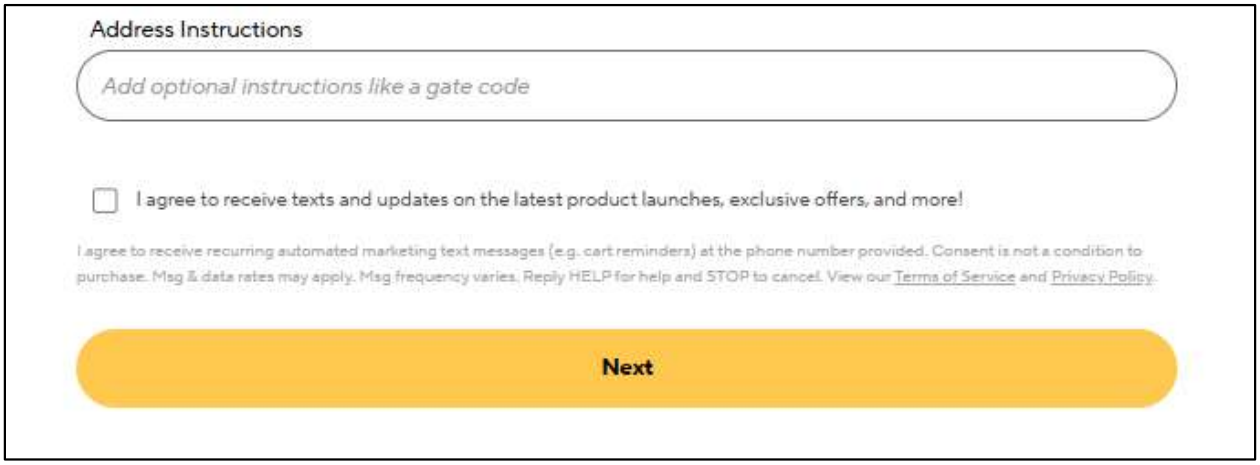


14. Only after entering location information, selecting a number of meals, creating an account, selecting the first week's meals, and entering contact and delivery information can a visitor affirmatively provide their prior express written consent to receive text messages from CookUnity.

15. Visitors are presented with a check box, where they may "agree to receive texts and

updates on the latest product launches, exclusive offers, and more." Immediately below that check box is the consent language, which explicitly states, "I agree to receive recurring automated marketing text messages (e.g. cart reminders) at the phone number provided. Consent is not a condition to purchase. Msg & data rates may apply. Msg frequency varies. Reply HELP for help and STOP to cancel. View our Terms of Service and Privacy Policy."

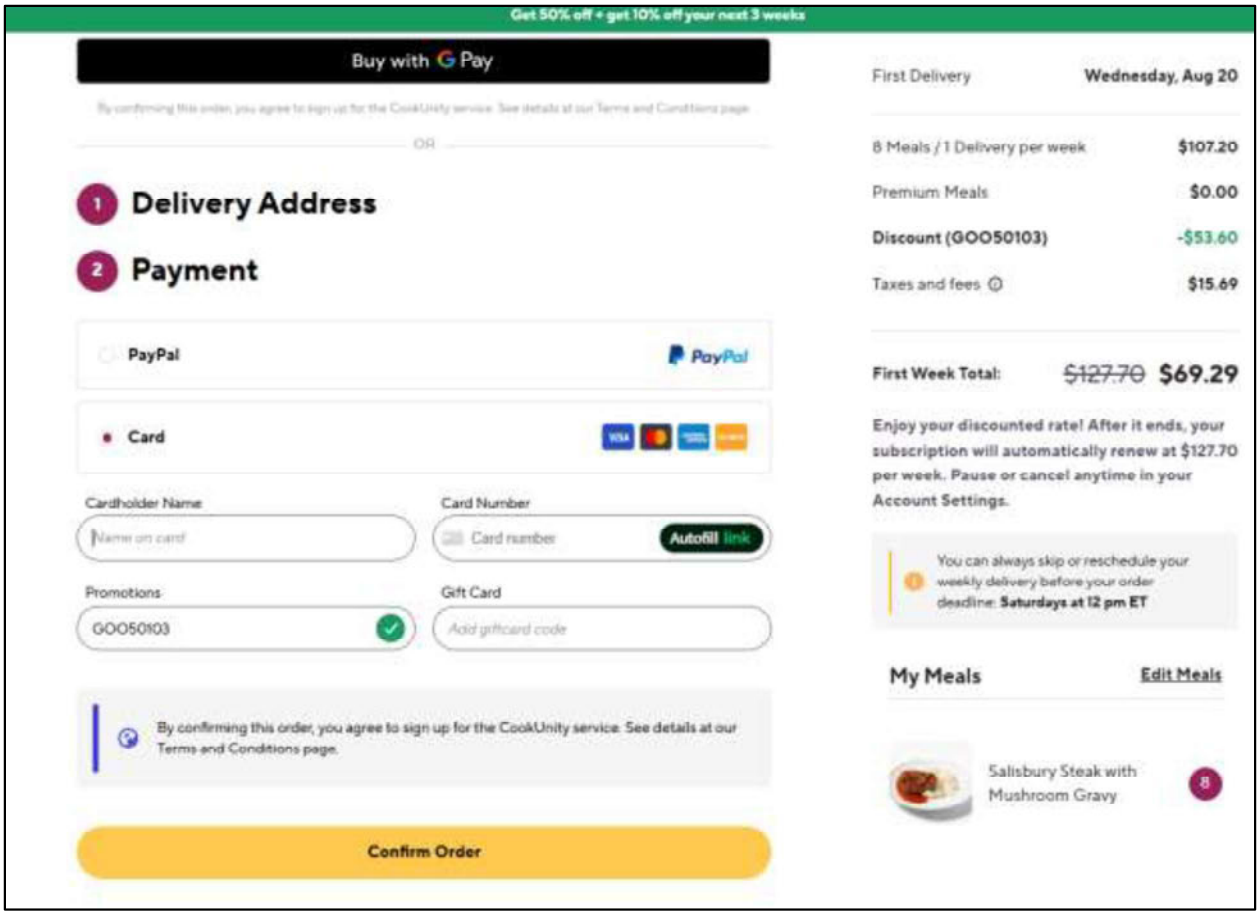
16. The underlined "Terms of Service" and "Privacy Policy" contain hyperlinks to CookUnity's operative terms of service and privacy policy.



17. A true and correct copy of CookUnity's operative Terms and Conditions of Service as of March 28, 2025, is attached as Exhibit A.

18. These Terms and Conditions of Service would have been available at the hyperlink "Terms and Conditions."

19. Once a visitor completes this delivery information and selects "Next," they are prompted to enter their payment information and confirm their order.



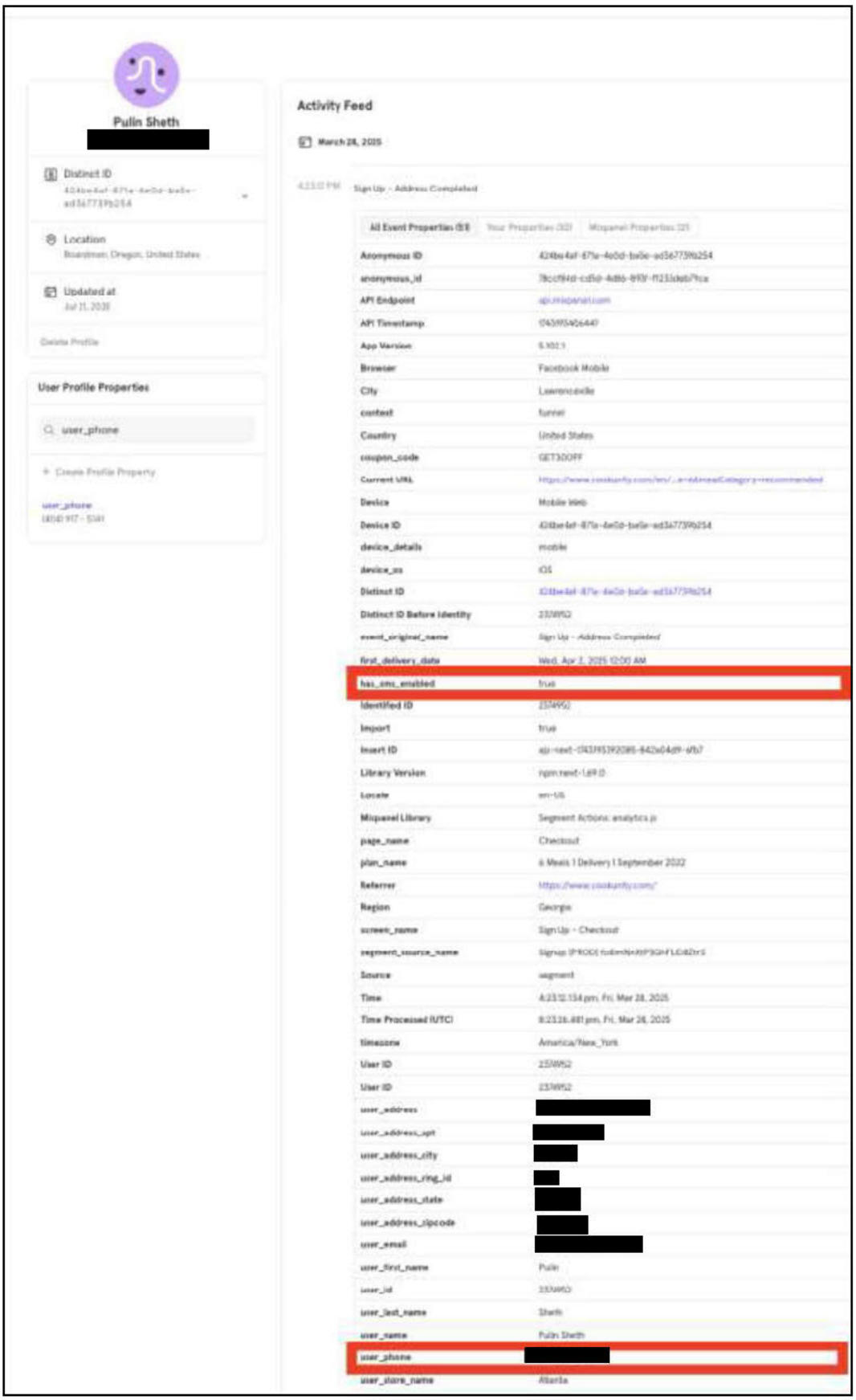
20. As part of CookUnity's regular course of business, it records the inputs entered during visitors' interactions with the sign-up process. Visitors' selections are recorded in CookUnity's system. CookUnity also uses Noibu, a third-party software that creates a video recording of each visitor's interactions with CookUnity's website.

21. These records indicate that, on March 28, 2025, a person visited the CookUnity website and proceeded through most of the steps outlined above.

22. At the "Delivery Address" page, the visitor entered the name "Pulin Sheth," a Duluth, GA delivery address, and Plaintiff Erin Wilson's (404) XXX-XXXX alleged phone number. These records also indicate that the visitor selected the check box stating, "I agree to receive texts and updates on the latest product launches, exclusive offers, and more!"

23. The following is a true and accurate copy of CookUnity's records of the information

submitted during this session.


Pulin Sheth
[redacted]
Distinct ID
Location
Updated at
User Profile Properties
user_phone
Activity Feed
March 28, 2025
Sign Up - Address Completed
All Event Properties
Anonymous ID
anonymous_id
API Endpoint
API Timestamp
App Version
Browser
Facebook Mobile
City
Lawrenceville
context
Country
United States
coupon_code
GET30OFF
Current URL
Device
Device ID
device_details
device_os
iOS
Distinct ID
Distinct ID Before Identity
event_original_name
first_delivery_date
has_sms_enabled
true
Identified ID
Import
true
Insert ID
Library Version
Locale
Mixpanel Library
page_name
Checkout
plan_name
6 Meals | Delivery | September 2022
Referrer
Region
Georgia
screen_name
Sign Up - Checkout
segment_source_name
Source
segment
Time
Time Processed (UTC)
timezone
America/New_York
User ID
User ID
user_address
user_address_apt
user_address_city
user_address_ring_id
user_address_state
user_address_zipcode
user_email
user_first_name
Pulin
user_id
user_last_name
Sheth
user_name
Pulin Sheth
user_phone
user_store_name
Atlanta

24. The visitor clicked the "Next" button immediately beneath the hyperlinked "Terms of Service and Privacy Policy." After proceeding to the final "Confirm Order" page, they left the sign-up process without completing the order.

25. CookUnity had no reason to believe this consent to receive text messages was fraudulent.

26. CookUnity honored Wilson's opt-out response the day she submitted it.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and accurate to the best of my knowledge.

Executed on this 22nd day of August, 2025, in New York, NY.

DocuSigned by:
Armen Moskvitin
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Armen Moskvitin